

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

(01) NICOLAS MARTINEZ-RUTIAGA
(02) RANDALL LEE VOIGHT

CRIMINAL COMPLAINT

Case Number:

08-MJ-20 JSB

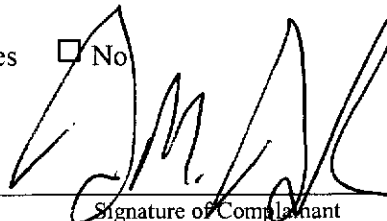
I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or between December 18, 2007 and January 10, 2008, in Ramsey county, in the State and District of Minnesota defendant(s), conspired to distribute approximately 113 grams of methamphetamine.

in violation of Title 21 United States Code, Section(s) 846.

I further state that I am a(n) DEA Task Force Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant

Brian Burds
DEATF

Sworn to before me, and subscribed in my presence,

1/11/08

Date

The Honorable Jeanne J. Graham
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

at

Minneapolis, MN

City and State



Signature of Judicial Officer

SCANNED

JAN 11 2008

U.S. DISTRICT COURT

STATE OF MINNESOTA)
) ss. **AFFIDAVIT OF BRIAN BURDS**
COUNTY OF HENNEPIN)

Your affiant, Brian Burds, having been duly sworn, states the following:

1. I am a Task Force Officer with the Drug Enforcement Administration and have been since November 2007. I am also a deputy sheriff with the Hennepin County Sheriff's Department and have been since 2000. The information in this affidavit is based on my own personal knowledge and information provided to me by other persons.
2. In 2007, an undercover (UC) police officer was introduced to Randall Lee VOIGHT for the purpose of purchasing methamphetamine. On December 18, 2007, the UC made contact with VOIGHT who agreed to sell the UC one (1) ounce of methamphetamine for \$1,500. The UC met VOIGHT in St. Paul and stated that he was waiting for his source to meet with him. VOIGHT then told the UC to meet him at another business location in St. Paul. A short while later, the UC arrived at the location in St. Paul. VOIGHT got into the UC's vehicle and called an individual named "Nicolas." VOIGHT told "Nicolas" that "his guy was here." Approximately one hour later, the UC observed a white Cadillac arrive in the parking lot. VOIGHT stated "he is here." VOIGHT asked the UC for the money, which the UC provided. VOIGHT took the money, got out

of the car and got into the white Cadillac. A short time later, VOIGHT got out of the Cadillac and re-entered the UC's vehicle. Once in the vehicle, VOIGHT gave the UC approximately one (1) ounce of methamphetamine.

3. On January 9, 2008, the UC contacted VOIGHT who agreed to sell approximately four (4) ounces of methamphetamine to the UC. On January 10, 2008, the UC contacted VOIGHT to confirm the sale. The UC agreed to meet VOIGHT at the same business location in St. Paul. The UC arrived at the meet spot and observed VOIGHT's vehicle and the white Cadillac leaving the area. The UC called VOIGHT who told the UC to meet him at a restaurant. The UC met VOIGHT who stated that his source would be arriving shortly. The UC observed a white Cadillac arrive and watched as the driver got out of the Cadillac and get into VOIGHT's vehicle. Based on the investigation, the UC positively identified the driver of the Cadillac as Nicolas MARTINEZ-RUTIAGA. A short time later, VOIGHT got out of his vehicle and opened the passenger door of the UC's vehicle and asked the UC for the money. The UC provided the money which VOIGHT took and went back to his vehicle. A short time later MARTINEZ-RUTIAGA got out of VOIGHT's vehicle, went back to the Cadillac and left the area. Once MARTINEZ-RUTIAGA left the area, VOIGHT got out of his vehicle and entered the UC's vehicle. VOIGHT then handed the UC approximately one (1) ounce of methamphetamine. VOIGHT told the UC that they had to

meet "Nicolas" at a fast food restaurant within five minutes and "Nicolas" would provide the UC with another three (3) ounces of methamphetamine.

4. The UC followed VOIGHT to the fast food restaurant in Maplewood. Once at the restaurant, the UC observed the white Cadillac arrive. The UC observed MARTINEZ-RUTIAGA walking towards the restaurant. VOIGHT then asked the UC for the money which the UC provided. VOIGHT got out of the car and followed MARTINEZ-RUTIAGA into the restaurant. A short time later, both exited the restaurant with VOIGHT getting back into the UC's vehicle. VOIGHT handed the UC two bags which contained methamphetamine. VOIGHT and MARTINEZ-RUTIAGA left the area and both were placed under arrest.
5. Officers tested the methamphetamine and it tested positive for the presence of methamphetamine.
6. During the traffic stop on MARTINEZ-RUTIAGA, officers located approximately \$3,000 in cash. This money matched the pre-recorded buy fund money the UC had just given to VOIGHT. During the traffic stop on VOIGHT, officers located approximately \$150 in cash. This money matched the pre-recorded buy fund money the UC had just given to VOIGHT.
7. A search warrant was conducted at MARTINEZ-RUTIAGA's apartment in North St. Paul. Officers located approximately twenty-one (21) grams of methamphetamine, forty-one grams of cocaine, \$1500 in cash, which matched the pre-recorded buy fund money

from the first controlled purchase on January 10, 2008, two handguns, digital scales, and ammunition.


8. VOIGHT was given his Miranda warnings and agreed to be interviewed. VOIGHT admitted to being part of all three sales to the UC. VOIGHT stated that the methamphetamine came from MARTINEZ-RUTIAGA on all three occasions. VOIGHT stated that during the time which he has known MARTINEZ-RUTIAGA, he has helped MARTINEZ-RUTIAGA distribute approximately one hundred (100) pounds of methamphetamine. VOIGHT stated that he has been involved in selling methamphetamine for approximately five years and that he has a prior federal narcotics conviction.

Further your affiant sayeth not.



BRIAN BURDS
Task Force Officer, DEA

SUBSCRIBED and SWORN to before me
this 11th day of January, 2008.


JEANNE J. GRAHAM
United States Magistrate Judge